

MAR 12 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Wellman et al.

Serial No.: 10/699,280

Art Unit: 3731

Filed : October 31, 2003

Examiner:

For : Surgical End Effector

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

March 9, 2004

(Date of Deposit)

Brian S. Tomko

(Name of applicant, assignee, or Registered Representative)

*BST*

(Signature)

March 9, 2004

(Date of Signature)

Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

SUBMISSION OF COMBINED DECLARATION AND POWER OF ATTORNEY

Dear Sir:

Pursuant to Rule 53(f) and Rule 54, please find enclosed a Combined Declaration and Power of Attorney for the application of Wellman et al. entitled Surgical End effector attorney Docket No.ETH5105, to complete, pursuant to Rule 51, this application filed on October 31, 2003 by Express Mail pursuant to Rule 10. As required, a copy of the Notice to File Missing Parts of Application is also attached.

Please charge Johnson & Johnson Deposit Account No. 10-0750/ETH5105/BST in the amounts of \$130.00 for submission of the Declaration pursuant to Section 1.16(e). The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 10-0750/ETH5105/BST. This sheet is submitted in triplicate.

Respectfully submitted,

*BST*

Brian S. Tomko  
 Reg. No. 41,349  
 Attorney for Applicant(s)

Johnson & Johnson  
 One Johnson & Johnson Plaza  
 New Brunswick, NJ 08933-7003  
 (732) 524-1239



DOCKET NO. ETH5105

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Wellman et al.

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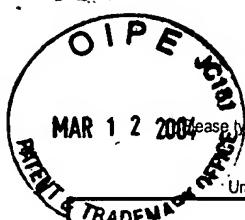
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Reg. No. 41,349  
Attorney for Applicant(s)

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One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-1239

MAR 12 2004 Please type a plus sign (+) inside this box 

PTO/SB/01 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|   |  |                        |                |
|---|--|------------------------|----------------|
| DECLARATION<br>AND<br>POWER OF ATTORNEY<br>FOR UTILITY OR DESIGN<br>PATENT APPLICATION<br>(37 CFR 1.63) |  | Attorney Docket Number | ETH5105        |
|   |  | First Named Inventor   | Parris Wellman |
|   |  | COMPLETE IF KNOWN      |                |
|   |  | Application Number     | 10/699,280     |
|   |  | Filing Date            | 10/31/03       |
|   |  | Group Art Unit         |                |
|   |  | Examiner Name          |                |

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Surgical End Effector  
(Title of the Invention)

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY)  as United States Application Number or PCT International Application Number  and was amended on (MM/DD/YYYY)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed   | Certified Copy Attached?<br>YES <input type="checkbox"/> NO <input type="checkbox"/>                         |
|-------------------------------------|---------|----------------------------------|--|--|
|                                     |         |                                  | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> |

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:



## DECLARATION - Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date (MM/DD/YYYY) | <input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto. |
|-----------------------|--------------------------|--|
|                       |                          |  |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Filing Date | Status   |
|------------------------|-------------|----------|
|                        |             | Patented |
|                        |             | Patented |
|                        |             | Patented |

I hereby appoint:

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as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Address all telephone calls to Brian S. Tomko at telephone number (732) 524-1239.

Customer Number  
Direct all correspondence to:  or Bar Code Label **000027777** OR  Correspondence address below

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|---------|------------|------|
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|   |   |                                   |                |
|---|---|-----------------------------------|----------------|
| <i>Second</i><br>NAME OF SECOND INVENTOR:   | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                                   |                |
| Given Name<br>(first and middle [if any]) Parris  |   | Family Name<br>or Surname Wellman |                |
| Inventor's Signature<br><i>Paul Wellman</i>   | Date 2/20/2004  |                                   |                |
| Residence: City Hillsborough  | State NJ  | Country US                        | Citizenship US |
| Mailing Address 61 Taurus Dr., Apt. 3A  |   |                                   |                |
| City Hillsborough   | State NJ  | ZIP 08844                         | Country US     |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. |   |                                   |                |
| <i>Second</i><br>NAME OF SOLE OR FIRST INVENTOR:  | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                                   |                |
| Given Name<br>(first and middle [if any]) Simon   |   | Family Name<br>or Surname Cohn    |                |
| Inventor's Signature<br><i>S - C</i>  | Date 2/19/04  |                                   |                |
| Residence: City Rutherford  | State NJ  | Country US                        | Citizenship US |
| Mailing Address 11 Elm St., Apt. 2  |   |                                   |                |
| City Rutherford   | State NJ  | ZIP 07031                         | Country US     |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. |   |                                   |                |
| NAME OF THIRD INVENTOR:   | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                                   |                |
| Given Name<br>(first and middle [if any]) John  |   | Family Name<br>or Surname Young   |                |
| Inventor's Signature<br><i>John Young</i>   | Date 2/19/04  |                                   |                |
| Residence: City Staten Island   | State NY  | Country US                        | Citizenship US |
| Mailing Address 48 Ashton Dr.   |   |                                   |                |
| City Staten Island  | State NY  | ZIP 10312                         | Country US     |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|   |              |   |                |
|---|--------------|---|----------------|
| NAME OF THIRD INVENTOR:   |              | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                |
| Given Name<br>(first and middle [if any]) Joshua  |              | Family Name<br>or Surname Samon   |                |
| Inventor's Signature<br> | Date 2/19/04 |   |                |
| Residence: City Jersey City   | State NJ     | Country US  | Citizenship US |
| City Jersey City  | State NJ     | ZIP 07302   | Country US     |